

REMARKS

The Applicants do not believe that entry of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered and that the claims to the present application be kindly, reconsidered.

The Advisory Action dated February 11, 2004 has been received and considered by the Applicants. The Advisory Action affirmed the restriction of all pending claims as being drawn to a non-elected invention. In the Final Office Action mailed December 23, 2003, the Examiner took the position that the November 11, 2003 Amendment and Response made by the Applicants presented claims directed to a non-elected invention and withdrew Claims 1-29 as being drawn to a non-elected election. The Applicants requested reconsideration of the withdrawal of Claims 1-29 as being drawn to a non-elected invention in the response to the Final Office Action filed on February 3, 2004. On March 23, 2004, the Applicants filed a Petition under 37 C.F.R. § 1.144 from the requirement for restriction that was made in the December 23, 2003 Final Office Action. At this point in time, there has been no decision made on the March 23, 2004 petition. Accordingly, the Applicants hereby submit a request for continued examination (RCE) with the foregoing amendment to the claims.

Claims 1 and 12 were rejected by the Office Action dated July 11, 2003 under the provisions of 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,506,907 issued in the name of Ueno et al. (Uneo et al.). The Office Action states that Uneo et al. teaches all the recited elements of the rejected claims except the feature of the composite signal being recorded back into the first channel. In the July 11, 2003 Office Action, the Examiner took the position that the present invention was directed to separating and combining different audio channels in a manner similar to Uneo et al. The Applicants would like to point out that the present invention relates to the manner in which different channels are stored, as well as read from the record carrier. Accordingly, independent Claims 1 and 12 have been amended to further define the term "channel" as used within "first channel" and "second channel" to clearly identify that the channels are physical features. Additionally, the amended versions of Claim 1 and 12 recite that the second physical feature is different from the first physical feature. The Applicants respectfully submit that Claims 1 and 12, after amendment, recite subject matter that is clearly

allowable over the recited reference Uneo et al. The Applicants would like to, respectfully, point out that Uneo et al. do not disclose, or suggest, employing different physical features with recording medium to record and store different channels. Therefore, claims 1 and 12 are currently believed to be allowable over the recited reference Uneo et al.

Claims 2-3, 13-14 and 20 were rejected by the July 11, 2003 Office Action under the provisions of 35 U.S.C. §103 (a) as being obvious over Uneo et al. in view of by U.S. Patent No. 5,889,868 issued in the name of Moskowitz et al. (Moskowitz et al.). Specifically, the July 11, 2003 Office Action stated that Uneo et al. fails to disclose combining the first portion with a stereo signal using buried data techniques but that Moskowitz et al. teaches using buried data techniques. The Examiner's position is that a person of ordinary skill in the art would have realized the insertion of data into a known channel would have been advantageous. The Applicants would like to, respectfully, point out that the term "channels" as interpreted by the Examiner relates to signals and the combination of signals into a "channel". The foregoing amendment to claims clearly identifies that the term "channel" is to be viewed as a "physical feature" and thereby clearly distinguishes the present invention from the cited references Uneo et al. and Moskowitz et al. The Applicants would like to, respectfully, point out that Moskowitz et al. deals with digital watermarks and not to the physical format used store data on record carrier as recited by the amended to claims to the present invention. Furthermore, Uneo et al. relates to audio signal encoding and the term channel as used therein refers to audio channels and not physical features on a record carrier used to store information.

Claims 19 and 21 were rejected by the July 11, 2003 Office Action under the provisions of 35 U.S.C. §103 (a) as being obvious over Uneo et al. in view of Moskowitz et al. and further in view of by U.S. Patent No. 4,672,600 issued in the name of Balston et al. (Balston et al.). Specifically, the Examiner's position is that Uneo et al. combined with Moskowitz et al. fails to disclose the subject matter of a second reading means for reading the remaining portion but that Balston et al. discloses the use of dual heads.

The Applicants would like to, respectfully, point out that Balston et al. relates to optical disk technology, however, there is no disclosure or suggestion within Balston et al. for storing data on an optical disk using first and second physical features wherein the first and second physical features are different. Accordingly, the Applicants,


respectfully, submit that the claims recite patentable subject matter in view of the cited references.

Claims 27, 28 and 29 were added by the November 11, 2003 Amendment that, respectively, depend from Claims 1, 12, and 19. Claims 27, 28 and 29 further define the first and second physical features of the invention as being different optically detectable indicia. The use of different optically detectable first and second physical features are not disclosed, or suggested, by the cited references, therefore, Claims 27, 28 and 29 are believed to be allowable.

Claims 9-11, 15-17, 25 and 26 were also withdrawn from consideration by the July 11, 2003 Office Action as being drawn to a non-elected invention. Claims 9-11, 15-17, 25 and 26 are hereby again presented for examination. Claims 9-11, 15-17, 25 and 26 depend from independent Claims 1, 12, and 19 which were previously examined in the parent case. Claims 9-11, 15-17, 25 and further narrow and define the features of Claims 1, 12, and 19. Therefore, since Claims 9-11, 15-17, 25 and 26 include all the features of Claims 1, 12, and 19 and further narrow and define Claims 1, 12, and 19, Claims 9-11, 15-17, 25 and 26 are not believed to be independent or distinct from Claims 1, 12, and 19 from which they depend.

In view of the foregoing amendment and remarks, the Applicants believe that the present application is in condition for allowance, with such allowance being, respectfully, requested.

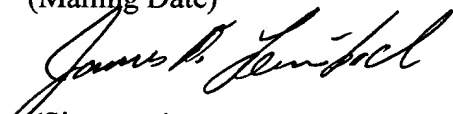
Respectfully submitted,

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